REMARKS

This amendment is in response to the Official Action dated June 30, 2008. Claims 1, 4, 5, 7, 10, and 11 have been amended, claims 2 and 3 have been canceled without prejudice or disclaimer, and no claims have been added; as such, claims 1, and 4-12 are now pending in this application. Claims 1, 10, 11, and 12 are independent claims. Reconsideration and allowance is requested in view of the claim amendments and the following remarks. In the amendment, claim 1, 10 and 11 have been amended to incorporate the features of previously presented claim 2 and claim 3. Claims 4 and 5 have been corrected for proper dependency. Claim 7 has been amended to correct for typographical errors. No new matter has been added by this Amendment.

USC 102 Rejections

Claims 1-3 and 6-12 have been rejected under 35 U.S.C. § 102(b) as being unpatentable over Mikawa (US 2007/0097645, hereinafter referred to as "Mikawa '645"). Applicant respectfully traverses this rejection.

Claim 1, having incorporated the features of claims 2 and 3, now recites: "*[a]n information processing apparatus for managing data that is recorded on a recording medium, the information processing apparatus comprising:*

copying means for copying an identifier for identifying a format that is managed by a first file for managing information recorded on the recording medium, the identifier being included in the first file;

creating means for creating a second file including the identifier copied by the copying means and label information describing content of the data, further comprising setting means for setting the label information,

wherein said label information includes information regarding a representative frame image representing all the frame images of image data included in the recording medium, and

wherein the creating means creates the second file including the identifier copied by the copying means and the label information set by the setting means; and

recording means for recording the second file created by the creating means in the format on the recording medium, as a file that is different from the first file."

These claimed features are neither disclosed nor suggested by Mikawa '645. Mikawa '645 discloses an apparatus for data recording processing device and for obtaining information data to be written on a first recording medium. Specifically, information data and recording medium management information concerning a recording medium are recorded on a recording medium. The recording medium management information includes initializing, creating, and updating time-and-date information of the recording medium. This enables quick retrieval of information associated with individual disks when a disk has been altered. In essence, Mikawa '645 allows for a determination of whether the content of the disks has been updated through its specific management information processing of recoding media.

However, Mikawa '645 clearly does not suggest or even disclose a "*copying means for copying an identifier for identifying a format that is managed by a first file for managing information recorded on the recording medium, the identifier being included in the first file,*" let alone the "*creating means for creating a second file including the identifier copied by the copying means and label information describing content of the data, further comprising setting means for setting the label information.*" The Office Action alleges that these features can be found in FIG 3. paragraphs 62-70 and FIG. 7 paragraphs 86-87. This is wholly inaccurate.

Paragraphs 62-70 of Mikawa '645 discloses a block diagram showing a configuration of a read/write apparatus, to which the Mikawa '645 is applied, and a flow chart showing the operation of copying a disk. These paragraphs disclose a means for instructing the operation unit to copy the files of disk D1 to disk D2. Upon receipt of the control signal, the write processor deletes all the files of disk D2 and outputs a notification of deletion to the copy management processor. The copy management processor outputs a control signal to read all the information of disk D1, such as the

disk management information, the time-date creation of each file, the update of each file, as well as the file list information. After the receipt of the read command, the read processor reads all the files of disk D1 and outputs the file list information back to the copy management processor. At this point, the copy management processor stores the file list information in an internal memory and uses the file list information to copy the file data to disk D1 to disk D2.

Paragraphs 86-87 of Mikawa '645 discloses that once a plurality of files is written on a single disk, pieces of file management information corresponding to the plurality of files are generated. The file management information includes file type, file path, file size, and time and date information.

Clearly, the recording means of Applicant's claimed invention is different than that of Mikawa '645. Applicant has claimed "*an identifier for identifying a format that is managed by a first file*" as well as "*creating means for creating a second file including the identifier.*" These specific features are certainly not disclosed or even suggested by paragraphs 62-70 and 86-87 of Mikawa '645. For example, the file management information for identifying the files is not divided into a first file and a second file.

Furthermore and for illustration only, FIG. 22 of Applicant's claimed invention discloses how two different files are recorded on the disc. This figure and the corresponding section of the specification describe how the index file and the disc-metadata file are created, managed and are recorded on the disc. Under this management and recording mechanism, the user can readily recognize which material is recorded on which optical disk.

Claim 12 recites: "*[a] recording medium having recorded thereon data that is played back by an information processing apparatus that manages data, wherein a first file including an identifier for identifying a format on the recording medium, the first file serving to manage data in the format, and a second file including an identifier that is the same as the identifier, the second file further including label information describing content of the data in the format, are recorded in the format as mutually different files.*"

These claimed features are neither disclosed nor suggested by Mikawa '645. As stated above, Mikawa '645 discloses an apparatus for data recording processing device and for obtaining information data to be written on a first recording medium. It does not disclose or even suggest a first file including a identifier and a second file containing the same identifier wherein the first and second file are recorded as mutually different files.

As such, Mikawa '645 fails to teach or suggest various features of independent claim 1 or 12. For similar reasons, independent claims 10 and 11 are also neither taught nor suggested by Mikawa '645 (although claims 10 and 11 should be interpreted solely based upon the limitations set forth therein). Furthermore, at least for the reason disclosed above, claims 6-9 overcome Mikawa '645 because they depend on independent claims 1, 3, and 5, as well as for their separately recited patentable distinct features. For example, claim 6 recites "*[t]he information processing apparatus further comprising comparing means for comparing an identifier included in the second file with an identifier included in the first file recorded on the recording medium, wherein the recording means records the second file in the format on the recording medium only when it is determined as a result of comparison by the comparing means that the identifier included in the second file coincides with the identifier included in the first file.*" Mikawa '645 does not even mention comparison of an identifier in the second file with that of the identifier of the first file.

Accordingly, Applicant respectfully requests that the rejection of the claims under 35 U.S.C. § 102(b) as being unpatentable over Mikawa '645 be withdrawn.

USC 103 Rejections

Claims 4 and 5 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mikawa '645 in view of Hisatomi et al (US 2002/0154898, hereinafter referred to as "Hisatomi '898"). Applicant respectfully traverses this rejection.

Claims 4 and 5 depend from and thus incorporate the features of claims 1, which are neither disclosed nor suggested by Mikawa '645, for the reasons stated above.

Hisatomi '898 does not remedy the deficiencies of Mikawa '645, as the various features recited above are also absent form Hisatomi '898. For example, Applicant's claimed features of "*copying means for copying an identifier for identifying a format that is managed by a first file for managing information recorded on the recording medium, the identifier being included in the first file,*" are neither disclosed nor suggested by Galant '686.

Hisatomi '898 discloses a means for recoding or playing back an image and voice by use of a recoding medium. To search for an image on an optical disk, a registration trigger is generated from the user, a pointer indicating the recoding position of a main image (also used as an index image) in the optical disk is processed, a index image data is created in an encoder and data is recorded from the index image buffer into a user file menu on the optical disk. These steps of recording provide a recordable/playable recording medium and a recording/playable apparatus capable of easy searching and editing without creating a menu data. Applicant submits this has nothing to do with the features of claim 1, which relates to copying and recoding the label information as a file that is different from the management information when the two identifiers are matched.

Since even a combination of the relied upon references would still fail to yield the claimed invention, Applicant submits that a prima facie case of obviousness for claim 1 has not been presented. Applicant also notes that the offered combination appears to be a failed attempt to reconstruct the claimed invention in hindsight, as there is no basis to combine read/write means of Mikawa '645 with the recording and searching means of Hisatomi '898.

Accordingly, Applicant respectfully requests that the rejection of claims 3-4, since they depend from and incorporate the features of claim 1, under 35 U.S.C. § 103(a) as being anticipated over being unpatentable over Wical '718 in view of Galan '686 be withdrawn.

In view of the above amendment and remarks, applicant believes the pending application is in condition for allowance.

This response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicant expressly does not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-3029 from which the undersigned is authorized to draw.

Dated: October 30, 2008

Respectfully submitted,

By _____

Ronald P. Kananen
Registration No.: 24,104
Christopher M. Tobin
Registration No.: 40,290
RADER, FISHMAN & GRAUER PLLC
Correspondence Customer Number: 23353
Attorneys for Applicant